

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mahendra R. Patel, et al.  
Application No.: 10/743,367  
Filing Date: December 22, 2003  
Title: Extended Release Antibiotic Composition  
Group Art Unit: 1615 Examiner: Sharon E. Kennedy

NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated October 19, 2007, rejecting the following claims: 1-20.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$510.00.

[ ] Applicant is a small entity under 37 CFR 1.9 and 1.27.  
Therefore, the fee shown above is reduced by half, and the resulting fee:  
A statement of small entity status under 37 CFR 1.27:  
[ ] is enclosed.  
[ ] has already been filed in this application.  
[ ] A check in the amount of the fee is enclosed.  
[ ] The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.  
[ x ] The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 12-2355. I have enclosed a duplicate copy of this sheet.

[ ] A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By:

  
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January 22, 2008  
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*E-Filing*